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February 8, 2008

**By UPS Overnight**

Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20462

Re: MUR 5965

Dear Madam or Sir:

I am counsel of record for Greg Fischer and the Fischer for Senate Campaign. Thank you for the opportunity to respond to the Complaint dated January 16, 2008, filed by Jack L. Richardson, Jefferson County, Kentucky Republican Party Chairman. For the reasons detailed below, Greg Fischer and the Fischer for Senate Campaign asks that the FEC dismiss this complaint, numbered MUR 5965, and take no further action in this matter.

First, all allegations in the Complaint should be dismissed because Greg Fischer was not a candidate within the meaning of 2 U.S.C. § 431(2) at the time of the receipt of the alleged corporate contributions. For a person to be a "candidate" within the meaning of 2 U.S.C. § 431(2), that person must (1) be "seek[ing] nomination" to federal office and (2) have received contributions or made expenditures in excess of \$5000. Greg Fischer only announced his candidacy on January 16, 2008, the date of the Complaint, and had not received contributions or made expenditures in excess of \$5000 as of that time. Thus, Greg Fischer was not a "candidate" until some time after January 16, 2008, and the ban on corporate contributions to candidates set forth in 2 U.S.C. § 441b was not applicable to the conduct alleged in the Complaint.

Second, to the extent Greg Fischer could have been deemed a "candidate" at the time of the receipt of the corporate contributions alleged in the Complaint, those contributions related to resources used by volunteers for the campaign is exempt under FEC regulations. Volunteer time of Dant Clayton Corp. employees is not a contribution under FEC statutes and regulations. To the extent volunteers used corporate resources in performing those services, those were "occasional, isolated or incidental" and are deemed not to be a contribution of corporate

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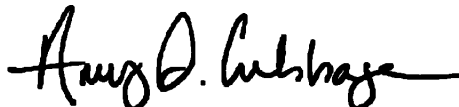
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resources per the dictates of 11 CFR § 114.9(a). In particular, the exception for the "occasional, isolated or incidental" use of corporate resources by volunteers would apply to a volunteer's receipt of resumes and other work performed by Dant Clayton employees voluntarily and on their own time.

Third, to the extent Greg Fischer could have been deemed a "candidate" at the time of the receipt of the corporate contributions alleged in the Complaint, the Fischer for Senate Campaign has a commercially reasonable time to repay the value any corporate resources used by Greg Fischer himself. The Fischer for Senate Campaign Committee was officially formed on January 29, 2008. The Committee has a commercially-reasonable time in which to reimburse corporate entities for resources used by the campaign. If the FEC or the Campaign determines that Greg Fischer was indeed a "candidate" as of the date of the December 24, 2007 email sent from a Dant Clayton email account, the Campaign will reimburse Dant Clayton for the fair market value of the any resources used for the campaign, and that reimbursement will be reflected on the Fischer for Senate Campaign's periodic campaign finance reports.

Thank you for your attention in this matter. If you have further questions, please contact me at the above-listed phone number.

Respectfully submitted,



Amy D. Cabbage

cc: Greg Fischer

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